

THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE: §
RUSSELL STITES §
XXX-XX-9475 § CASE NO. 20-40703-R
149 CR 1000 §
BOONEVILLE, MS 38829 § CHAPTER 13
§
DEBTOR §

AMENDED MOTION TO DISMISS AND SETTING HEARING

THE TRUSTEE REQUESTS THE COURT TO SET THIS MOTION FOR HEARING ON June 18, 2020, AT 10:00 am AS FOLLOWS:

**Plano Bankruptcy Courtroom
660 North Central Expressway
Third Floor
Plano, Texas 75074**

COMES NOW Carey D. Ebert, Chapter 13 Trustee, and files this Motion to Dismiss and Setting Hearing in the above numbered and styled proceeding, and for cause would show the Honorable Court as follows:

1. The Debtor has unreasonably delayed the case because Debtor failed to appear at the scheduled §341 (a) Meeting of Creditors as required by 11 USC §343. Such failure to appear is considered a willful want of prosecution, a violation of the order of the Court as per Local Rule 1017(a)(4) and BR 2003 and 4002, and constitutes an unreasonable delay by the Debtor that is prejudicial to creditors under 11 USC §1307(c)(1), and thus cause exists for dismissal.

WHEREFORE, PREMISES CONSIDERED, Carey D. Ebert, Chapter 13 Trustee, prays that this case be dismissed for cause.

Respectfully submitted,

/s/ Carey D. Ebert
Carey D. Ebert, Chapter 13 Trustee, TBN 05332500
Office of the Standing Chapter 13 Trustee
500 North Central Expressway, Suite 350
Plano, Texas 75074
(972) 943-2580

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Motion to Dismiss and Setting Hearing has been served upon the following parties in interest by mailing a copy of same to them via first class mail and uploaded to the Court for service by the Bankruptcy Noticing Center to the parties on the Court's mailing matrix on the date set forth below .

RUSSELL STITES
149 CR 1000
BOONEVILLE, MS 38829

ROBERT NEWARK
A NEWARK FIRM
1341 WEST MOCKINGBIRD LANE
600 W
DALLAS, TX 75247

Dated: April 30, 2020

/s/ Carey D. Ebert

Office of the Standing Chapter 13 Trustee